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RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KI-HYUB SUNG

Appeal 2007-1495
Application 09/904,665
Technology Center 2800

Oral Hearing Held: October 24, 2007

Before JOHN C. MARTIN, HOWARD B. BLANKENSHIP, and
JOHN A. JEFFERY, *Administrative Patent Judges*.

ON BEHALF OF THE APPELLANT:

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P R O C E E D I N G S

JUDGE MARTIN: Good morning, Mr. Parker.
MR. PARKER: Good morning.
JUDGE MARTIN: You can proceed whenever you're ready.

1 MR. PARKER: My boss was late, so you all moved me back. All
2right. We have a display apparatus. Now we claim we have a panel with a
3screen. We have a panel support for supporting the panel, a bezel which is
4front cover 12, a rear covering 27, a rib on the bezel and a deformable
5coupling on the rear cover so that rib joins with that groove in the
6deformable coupling holds the two parts together.

7 The Examiner has applied McNamara and he holds that McNamara
8doesn't anticipate Claim 21, 25 or 29. Looking at Figure 8 in McNamara,
9element 57B is the notch which the Examiner calls the rib. Okay. He calls
10it the rib because of what it looks like in Figure 10, 57B prime. Figure 10 is
11a cross-section of what's showing in Figure 8 or Figure 6 along the lines of
1210 and 10.

13 So I did a little mockup and this is the notch, 57B. Here's line 10 and
1410. Okay? So if you took it along that line, you'll get Figure 10, but that's
15only taking a small part of McNamara. It's not taking the whole concept
16then of what he's shown. So in the back cover, 57B is lit and --

17 JUDGE BLANKENSHIP: Well, and you cite Figure 10A is a cross-
18section, but --

19 MR. PARKER: Right, just a small --

20 JUDGE BLANKENSHIP: -- I guess the issue is with the definition of
21rib. Does the definition of rib distinguish over a cross-section of something
22that resembles a rib, something that resembles a rib --

23 MR. PARKER: Well, you got to look at the whole picture.

24 JUDGE BLANKENSHIP: Something that resembles a rib in the
25cross-section.

1 MR. PARKER: Right. If you look at this, okay, the notch that goes
2under the lip of 57B so it catches, okay, that's not a rib, and it doesn't extend
3above -- excuse me, the periphery of the claim. See, we got the rib from a
4peripheral surface of the bezel, okay. So if you look at the whole --

5 JUDGE BLANKENSHIP: Figure 10A, it appears to have --
6referencing 53, there's a peripheral surface here of the front bezel.

7 MR. PARKER: Right. That's only a small section.

8 JUDGE BLANKENSHIP: It's a (indiscernible).

9 MR. PARKER: You're taking this whole thing and slicing it --

10 JUDGE BLANKENSHIP: That's correct.

11 MR. PARKER: -- putting a little slice in it.

12 JUDGE BLANKENSHIP: That is correct.

13 MR. PARKER: Okay. But you haven't been to what the whole
14reference teaches. Okay. That's not a rib. This notch is not a rib, okay? I
15mean it may extend from up here, but it doesn't extend from the peripheral
16surface.

17 JUDGE BLANKENSHIP: Well, in Figure 10A I can agree with the
18Examiner on that. It extends from the --

19 MR. PARKER: That's what I'm saying. You're just looking at one
20small part of the reference. You have to look at the whole reference.

21 JUDGE MARTIN: So you're saying you can't --

22 MR. PARKER: You can't take a small part of the reference and
23consider it.

24 JUDGE MARTIN: You're saying you can't tell whether something's
25rib shaped just from the cross-section?

1 MR. PARKER: Correct. You have to take the whole covering into
2consideration.

3 JUDGE MARTIN: So a rib is a -- it's a three-dimensional concept,
4you're saying (indiscernible) two-dimension?

5 MR. PARKER: It provides strength or it extends above the surface of
6the -- like our rib is 31 -- in Figure 4, 31, and it fits into the notch of the
7deformable coupling.

8 JUDGE MARTIN: Now 31, is that a rib just because it sticks up from
9the surface?

10 MR. PARKER: Well, it's called a rib, I think, in the specification.

11 JUDGE MARTIN: I know, but why is it called a rib? What is it
12about that that makes it a rib, the fact that it's extending upward from
13another surface? I mean it doesn't have a -- it's not shaped like a rib, I mean
14like a -- what you would consider to be like a human rib.

15 MR. PARKER: Well, I guess they didn't know what else to call it.

16 JUDGE MARTIN: I mean when you apply the term rib to something
17like that, it makes me wonder how broad the term is.

18 MR. PARKER: Right. (Indiscernible) the language, you know,
19where it projects from a peripheral surface. Okay.

20 JUDGE MARTIN: Well, that just says where it is. That doesn't say
21-- I mean it doesn't help us define precisely what a rib is. And you cited a --
22you quoted a definition of a rib. I can't remember. Does the definition of a
23rib read on 31?

24 JUDGE JEFFERY: Page 10 of --

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1 MR. PARKER: Something resembling a rib on the form positioned
2for use as a supporting or strengthening part.

3 JUDGE MARTIN: Okay. So that would be -- well, something
4resembling a form on the form, that applies to the whole definition, so I
5guess the question is how much does 31 actually resemble a rib. It's not just
6a question of function or whether it supports something. It's also got to
7resemble a rib. Well, actually resemble a rib in position or use, so that is
8pretty broad, but still I don't know how that reads on 31.

9 JUDGE JEFFERY: Are you saying that a rib -- I mean just any
10projection, say a lot of tubal projections wouldn't necessarily be a rib under
11this definition of rib?

12 MR. PARKER: If it extends -- say it extends above like this, then you
13could call it a rib. Okay.

14 JUDGE JEFFERY: Okay.

15 MR. PARKER: Okay. But in McNamara's it's a notch.

16 JUDGE MARTIN: Now the whole -- yeah. Why is that whole -- well
17-- all right. Do that, yeah. Why isn't -- the part that's vertical, why isn't that
18whole thing over there?

19 MR. PARKER: Why isn't this whole thing over here?

20 JUDGE MARTIN: Yeah. And why isn't the surface it's projecting
21upward from, why isn't that a peripheral surface in the sense of not --

22 MR. PARKER: Well, if you call this whole thing a rib.

23 JUDGE MARTIN: Yeah.

24 MR. PARKER: Okay. It's not embraced by the groove -- it's not
25embraced by the lip 57B.

1 JUDGE MARTIN: Well, a part of it's embraced.

2 MR. PARKER: Well, this part isn't extending above.

3 JUDGE MARTIN: It's extending above the part that support --

4 MR. PARKER: The peripheral surface.

5 JUDGE MARTIN: Why can't we call that the vertical surface in the
6context of the reference? I mean that's a surface that's going around the
7screen, right? It's the same plane as the screen, but it's around the periphery
8of the screen and then this like sidewalls go back, and why wouldn't those
9correspond to that vertical part of your paper there and why would those be
10ribs all the way around?

11 MR. PARKER: It's just a side wall. The rib's going to give the
12support to the side wall. Okay. It's going to make the wall stronger.

13 JUDGE MARTIN: I'm sorry. Say that again.

14 MR. PARKER: The rib will provide support to the side wall and
15make that wall stronger, so (indiscernible) if you put a rib in there, it's not
16going to deform, okay, or it's going to prevent it.

17 JUDGE MARITN: Are you saying that's -- if you add a rib to that --

18 MR. PARKER: Right.

19 JUDGE MARTIN: Oh, well, I'm not talking about add a rib to that.
20I'm saying that is a rib.

21 MR. PARKER: Okay. The rib -- we also claim that the deformable
22coupling, okay, bearing the groove. Well, the Examiner calls that little
23notch where the lip covers over at 57B the groove, but it's not (indiscernible)
24by that lip 57B. Okay?

25 JUDGE BLANKENSHIP: I think 57B is a deformable coupling.

1 MR. PARKER: Right. 57B, the deformable coupling, doesn't have a
2groove in it. The groove is below it where it meets the wall. And the
3deformable coupling --

4 JUDGE BLANKENSHIP: Well, looking at Figure 10A, where is the
5-- the groove is something removed from the deformable coupling? As I
6understand it, the Examiner is reading the groove on the indentation under
7deformable coupling 57B, as shown in Figure 10A.

8 MR. PARKER: Right. Where 57B -- okay. 57B on my little mockup
9here is the notch and it's going to fit under the deformable coupling 57B.
10Okay? But it's not fitting in a groove. It's just fitting where the wall --

11 JUDGE MARTIN: Where does this claim require fitting into the
12groove?

13 MR. PARKER: The claim does.

14 JUDGE MARTIN: Where does it say that?

15 MR. PARKER: The claim calls for where the rib is inserted in the
16groove -- okay. It says the deformable coupling is (indiscernible) proof,
17okay?

18 JUDGE MARTIN: Yeah.

19 MR. PARKER: Extends from an inner service of the rear covering. It
20is oriented to embrace the rib during mating --

21 JUDGE MARTIN: Oh, okay.

22 MR. PARKER: -- when the rib is inserted in the groove.

23 JUDGE MARTIN: Oh, okay. I got you.

24 MR. PARKER: So it's not embracing it. I mean it's just sitting there
25underneath it.

1 JUDGE JEFFERY: Why wouldn't a notch, you know, right below the
2coupling 57B, why wouldn't that be in a groove? I don't follow you there.

3 MR. PARKER: It's not -- I'm not saying that's not a groove.

4 JUDGE BLANKENSHIP: And also the --

5 MR. PARKER: I'm saying it's not borne -- that 57B, this little lip
6doesn't bear that groove.

7 JUDGE BLANKENSHIP: (Indiscernible) in the groove?

8 MR. PARKER: Right.

9 JUDGE BLANKENSHIP: Then what does it do? Well, how does
10that groove -- I mean I clearly see an indentation there.

11 MR. PARKER: Right. Well, I mean it's just there. It's not -- 57B is
12supposed to be the deformable coupling in the reference.

13 JUDGE BLANKENSHIP: Yes.

14 MR. PARKER: Okay. It doesn't deform, first of all. Okay. The side
15wall deforms, the whole wall. Okay. 57B doesn't deform.

16 JUDGE BLANKENSHIP: Well, 57B is sort of integrally formed with
1751, right?

18 MR. PARKER: Right.

19 JUDGE BLANKENSHIP: I mean it's all one instance?

20 MR. PARKER: The whole wall -- right. The whole wall's going to
21give.

22 JUDGE BLANKENSHIP: Well, that's going to deform the coupling,
23as well. I think the question is the groove. I mean there is a groove right
24adjacent to the coupling.

25 MR. PARKER: Adjacent to it, but it's not borne by the coupling.

1 JUDGE MARTIN: Yeah. I don't understand. Why can't the coupling
2 read on -- I guess what we're all referring to is that little area of 57B plus a
3 little bit of the wall 51 that's right below it. I mean it's all part of the same
4 function. It's all flexing. Does that cause a problem with other claim
5 language if we leave it that way?

6 MR. PARKER: I believe it does. I mean it's --

7 JUDGE MARTIN: That way it would definitely include the groove.

8 MR. PARKER: That's why I put so much, you know, functional
9 language in there and more description in there because, you know, you're
10 saying that it's a groove and a rib. It's very broad. So, you know, I put in
11 there how it embraces the rib during mating and the rib is inserted in the
12 groove.

13 JUDGE BLANKENSHIP: Well, it seems to me that's function
14 because that's how the thing is taken apart. Like in Figure 10A it shows the
15 force R to deform that coupling to remove the back member of the front
16 bezel 53 as shown in Figure 10B.

17 MR. PARKER: Right, but it deforms the wall, the whole wall. The
18 whole wall moves, not just --

19 JUDGE BLANKENSHIP: Well, the --

20 MR. PARKER: I mean the wall -- if the coupling is attached to the
21 wall, then it's going to move, but the coupling itself --

22 JUDGE BLANKENSHIP: You say that the deformed coupling is that
23 entire wall including the portion that looks like --

24 MR. PARKER: Well, that's overbroad. That's way too broad for --

25 JUDGE BLANKENSHIP: You're saying this claim is too broad?

1 MR. PARKER: No. I'm saying that you're reading the reference too
2broadly.

3 JUDGE JEFFERY: That's one integral structure, though.

4 JUDGE MARTIN: Now we're reading the claim.

5 MR. PARKER: Right, it's an integral structure.

6 JUDGE JEFFERY: Yeah, and it deforms.

7 MR. PARKER: The wall deforms.

8 JUDGE JEFFERY: But not the coupling?

9 MR. PARKER: But not the coupling.

10 JUDGE MARTIN: Any more questions? I guess that's all we have in
11the way of questions. Anything else?

12 MR. PARKER: Let's see. Yeah, Claim 22, we have where the rib is
13exposed at each corner of the rear covering, and we hold that if you put it in
14the rear corner of the reference, it's not going to be able -- you're not going
15to be able to deform it. You're not going to be able to push that wall back
16and release the cover, release the two parts. Okay.

17 JUDGE MARTIN: Yeah. I guess we don't know how tight a fit that
18is or how the tightness would be adjusted if you had four instead of two, but
19you're saying just by putting them in the corners you wouldn't have --

20 MR. PARKER: Right.

21 JUDGE MARTIN: -- any flexing?

22 MR. PARKER: No. In fact, I can bend this. I can't bend that, you
23know. So the reference -- he wants it so it's easy to take apart, so all you
24have to do is press on the two sides and open it up, okay, which is the reason
25he doesn't need the tool that we're claiming.

1 And Claim 28 calls for a stop extending from the inner surface of the
2 bezel engaged at the panel for maintaining the bezel against the screen, and
3 the reference doesn't have that. Our stop is in -- it's 21 in Figure 3. Let me
4 take this down. That's better seen in Figure 8. See that stop? In the
5 reference it doesn't need a stop. These parts are integrally formed. There's
6 nothing going to slide around over top of the panel.

7 JUDGE BLANKENSHIP: You said this -- excuse me. Was Claim 28
8 separately argued in the brief?

9 MR. PARKER: Yes.

10 JUDGE BLANKENSHIP: Where?

11 MR. PARKER: It's Claim 5. Sorry. It's the same thing. Start with
12 21 and end up with (indiscernible). See, the stop is in Claim 5, 6, 24, 28 and
13 32.

14 JUDGE MARTIN: And when you talk about these parts being
15 integrally formed, don't you mean that they're somehow secured together
16 after they're assembled?

17 MR. PARKER: No. I believe it's -- just from looking at it, it's all
18 molded in one go, you know, a piece of plastic molded.

19 JUDGE MARTIN: Now let's -- aren't we talking about -- let's look at
20 Figure 10A to make sure I understand what stops you're referring to or
21 Figure 10B. We've got that projection there that doesn't have a number on it.

22 MR. PARKER: Right. It extends down from --

23 JUDGE MARTIN: It extends down.

24 MR. PARKER: Um-hum.

25 JUDGE MARTIN: Now aren't there components between those that

1don't show up in these figures? I mean don't we have our display panel in
2there and all that? I mean don't we have to -- don't those have to be separate
3long enough to put the display panel and other insides in there? Let me go
4to another figure.

5 MR. PARKER: Okay. Figure 4 shows the fusion plate 55 and --

6 JUDGE MARTIN: Oh, here we are. 7A and 7B is what I had in
7mind. Those show the components -- some of the components between 53
8and 61, not the display number, but anyway, this integrally (indiscernible).
9That just means as far as I can tell that they're glued together after
10everything's assembled, in which case during the assembly process it seems
11like you need those projections or stops to align things.

12 MR. PARKER: But you don't need it for the function of the claim.

13 JUDGE MARTIN: Well, does the claim say when that function
14occurs? It could be during assembly. I mean that's backing your invention
15up (indiscernible) right? When you try to put it together, you don't want to
16shift things.

17 MR. PARKER: Right. Well, there's not going to be any shifting after
18it's put together.

19 JUDGE MARTIN: Right.

20 MR. PARKER: So he doesn't need a stop.

21 JUDGE MARTIN: Claim 5 says prevent the panel support from
22moving across a plane of the panel. It doesn't say what time period you're
23talking about here. Why can't that read stops used during assembly -- to
24align things during assembly, which I think is what's going on in the
25reference by the way things are lined up here.

1 MR. PARKER: That projection down, we have no idea what it's for.
2I guess --

3 JUDGE BLANKENSHIP: The Examiner does.

4 MR. PARKER: Okay. Figure 7, it's not touching anything. Okay. It
5may engage the side wall of the back cover to keep it from deforming
6inward. Okay.

7 JUDGE MARTIN: Say that again. I did not --

8 MR. PARKER: It may engage the side wall of the back cover to keep
9it from deforming inward, but it doesn't have anything to do with the panel
10support of the panel.

11 JUDGE JEFFERY: But isn't that last clause in Claim 5, engage panel
12support and prevent it from moving, isn't that just the intended use of the
13structure? That's not really -- so long as the structure's capable of
14performing that function, isn't that all you need?

15 MR. PARKER: Well, it's the function of the stop.

16 JUDGE JEFFERY: Yeah, right, the intended function of the
17structure.

18 MR. PARKER: Right. But the reference doesn't have that intended
19function --

20 JUDGE JEFFERY: Well --

21 MR. PARKER: -- and it doesn't do that function at all ever.

22 JUDGE JEFFERY: The key question is is it capable of doing that
23intended function, and I take it you're saying it's not capable of performing --

24 MR. PARKER: In the reference? No, it's not -- it's not even -- the
25panel's not even near it.

1 JUDGE JEFFERY: Okay.

2 JUDGE MARTIN: So you're not disputing -- well, maybe you are,
3but you're not saying that those unnumbered projections don't prevent
4shifting of the illustrated components. You're saying they're not used to
5prevent shifting between the (indiscernible) of the component, is that right?

6 MR. PARKER: Right.

7 JUDGE MARTIN: I believe that's all. Thank you very much.

8 MR. PARKER: Thank you.

9 JUDGE MARTIN: That concludes the hearing in Appeal 2007-1495.
10(Whereupon, the proceedings concluded.)

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